

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Bell Telephone Company	:	
(Ameritech Illinois) and	:	
Globalcom, Inc.	:	
	:	01-0437
Joint Petition for Approval of a Negotiated	:	
Interconnection Agreement dated	:	
March 1, 2001, pursuant to 47 U.S.C. § 252.	:	

ORDER

By the Commission:

I. PRELIMINARY MATTERS

On June 6, 2001, Illinois Bell Telephone Company ("Ameritech Illinois") and Globalcom, Inc. ("GI") filed a joint petition for Approval of an Interconnection Agreement dated March 1, 2001 ("Agreement"), pursuant to Sections 252(a)(1) and 252(e) of the Telecommunications Act of 1996, 47 U.S.C. §§ 252(a)(1) and 252(e) ("Telecommunications Act"). The Agreement was submitted with the request by Ameritech and GI that it be approved. Ameritech filed the verified statement of Sharon Bryant in support of the request.

Pursuant to notice as required by law and the rules and regulations of the Commission, this matter came on for hearing before a duly authorized Administrative Law Judge of the Commission on July 13, 2001. At the hearing, Staff and Ameritech Illinois appeared. The parties agreed that there were no unresolved issues in this proceeding, and the record was marked "Heard and Taken."

II. SECTION 252 OF THE TELECOMMUNICATIONS ACT

Section 252(a) of the Telecommunications Act allows parties to enter into negotiated agreements regarding requests for the resale of telecommunications services.

Section 252(e)(1) of the Act provides, in part, that "any interconnection agreement adopted by negotiation...shall be submitted for approval to the State Commission" and that a State Commission to which such an agreement is submitted "shall approve or reject the agreement, with written findings as to any deficiencies." Section 252(e)(2) provides that the State Commission may only reject the negotiated agreement if it finds that "the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement" or that "the implementation of such agreement (or portion thereof) is not consistent with the public interest, convenience, and necessity."

Section 252(e)(4) provides that the agreement shall be deemed approved if the State Commission fails to act within 90 days after submission by the parties. This provision further states that "no state court shall have jurisdiction to review the action of a State Commission in approving or rejecting an agreement under this section." Section 252(e)(5) provides for preemption by the Federal Communications Commission if a State Commission fails to carry out its responsibility and Section 252(e)(6) provides that any party aggrieved by a State Commission's determination on a negotiated agreement may bring an action in an appropriate Federal district court.

Section 252(h) requires a State Commission to make a copy of each agreement approved under subsection (3) "available for public inspection and copying within 10 days after the agreement or statement is approved." Section 252(i) requires a local exchange carrier to "make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement."

III. THE AGREEMENT

The Agreement was effective March 1, 2001, will expire August 19, 2003, and will automatically be renewed yearly unless 120 days notice is given prior to end of term. The agreement establishes rates, terms, and conditions for the provision of telecommunications services.

IV. POSITIONS OF THE PARTIES

No party contended that the Agreement is discriminatory or contrary to the public interest. Staff reviewed the Agreement in light of the criteria contained in Section 252(e)(2)(A) of the Act and determined that it met the necessary requirements. Under this section, the Commission may only reject an agreement, or any portion thereof, adopted by negotiation under subsection (a) if it finds that (i) the agreement, or a portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement, or a portion thereof, is not consistent with the public interest, convenience, and necessity.

Ms. Bryant stated that the Agreement meets the standards set forth in the Telecommunications Act and the standard used by this Commission to review the interconnection agreements of other carriers. She stated that the Agreement is not discriminatory because Ameritech Illinois will make it available to any other telecommunications carrier operating within Ameritech Illinois' service territory. Other telecommunications carriers can negotiate their own arrangements pursuant to the applicable provisions of the Act.

Ms. Bryant also stated that the Agreement is consistent with the public interest, convenience and necessity. She stated that it is a comprehensive agreement that tailors the interconnection and service arrangements previously approved by the Commission for facility based competition to meet the individual needs of the parties and thereby will promote local exchange competition – one of the primary purposes of the Act and a long-standing goal of this Commission. Under the Agreement, customers will be able to choose GI instead of Ameritech Illinois for their local service.

Staff recommended that the Agreement be approved by the Commission.

V. FINDINGS AND ORDERING PARAGRAPHS

- (1) Ameritech Illinois and Globalcom, Inc. are telecommunications carriers as defined in Section 13-202 of the Public Utilities Act;
- (2) the Commission has jurisdiction of the parties and the subject matter herein;
- (3) Ameritech Illinois and Globalcom, Inc. have entered into an Agreement dated March 1, 2001 which has been submitted to the Commission for approval under Section 252(e) of the Telecommunications Act of 1996;
- (4) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (5) the Agreement between Ameritech Illinois and Globalcom, Inc. does not discriminate against a telecommunications carrier not a party to the Agreement;
- (6) in order to assure that the implementation of the Agreement is in the public interest, Ameritech Illinois should implement the Agreement by filing a verified statement with the Chief Clerk of the Commission within five days of approval by the Commission, that the approved Agreement is the same as the Agreement filed with the verified Petition in this docket. The Chief Clerk shall place the Agreement on the Commission's web site under Interconnection Agreements;
- (7) within five (5) days of the entry of this Order, Ameritech should modify its tariffs to reference the negotiated agreement in the manner recommended by Staff and described in the prefatory portion of this Order above;
- (8) the Agreement should be approved as hereinafter set forth;

- (9) approval of this Agreement does not have any precedential effect on any future agreements or Commission Orders, or on the question of whether any agreement is or should be treated as a negotiated or arbitrated agreement.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Agreement dated March 1, 2001 between Ameritech Illinois and Globalcom, Inc. is approved pursuant to Section 252(e) of the Telecommunications Act of 1996.

IT IS FURTHER ORDERED that Ameritech Illinois shall comply with Findings (6) and (7) of this order within five days of the date of this Order.

IT IS FURTHER ORDERED that this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 8th day of August, 2001.

Chairman